

**INITIAL 2009 LEGISLATIVE PROPOSALS  
LABOR MANAGEMENT ADVISORY COUNCIL  
ON WORKERS' COMPENSATION  
MARCH 4, 2008**

**I.     Safety**

1.     Combine Title 50, Chapter 70 "Occupational Health Act of Montana" with Title 50, Chapter 71 "Montana Safety Act"
  - a.     Both Acts predate Federal OSHA; clarify public sector only
  - b.     Clean up; consistency; reflect current realities
  - c.     Clarify powers and duties of department, duties of employers and employees, safety standards, safety inspections, enforcement procedures, and penalties.
2.     39-71-1503: Include the department along with insurers as an identified entity that can provide assistance to employers in the identification and elimination of safety and health hazards.
3.     39-71-421: Strengthen financial incentive to employers who implement a documented formal safety program.
4.     EPP request for 6 FTE for implementing WorkSafeMT
  - a.     WorkSafeMT Project Manager
  - b.     WorkSafeMT Safety Specialist
  - c.     2 FTE for private sector consultations
  - d.     2 FTE for public sector inspections

**II.    Medical Cost Containment**

1.     39-71-704(2)(b)(i): Clarify that the department will use up to the top five insurers or third-party administrators providing employer group health policies in this state. An insurer or third-party administrator must have at least 1% of the market share for disability insurance policies to be included in the rate determination.
2.     39-71-704(2)(b)(i): Provide by statute that the department is to use the current edition of the RBRVS.

III. Stay at Work/Return to Work

1. Create an incentive for injured workers to return to work as soon as they are medically able
2. Create financial incentive for an employer to bring an injured worker back to their time of injury job or another position they are able to perform at their time of injury wage.
3. Redefine the role of rehabilitation services so that rehabilitation services are available to help the injured worker return to work as quickly as they are medically able.

IV. Claim Closures

1. Potential provision for automatic claim closure.
2. Potential changes on conditions for closing future medicals.

V. Other Miscellaneous Proposals

1. Establish the Labor Management Advisory Council on Workers' Compensation as a statutory body.
2. Adopt language requiring an analysis of the impacts of creating any additional exemptions from the Workers' Compensation Act.
3. Licensing for workers' compensation claims examiners.